

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	§	
SouthStar Funding LLC aka Capital Home	§	
Mortgage	§	BANKRUPTCY
Debtor	§	CASE NO. 07-65842-PWB

Litton Loan Servicing, LLP	§	
Movant	§	JUDGE PAUL W. BONAPFEL
v.	§	
SouthStar Funding LLC aka Capital Home	§	
Mortgage	§	CHAPTER 7
Debtor	§	
Harry W. Pettigrew	§	
Trustee	§	
Respondents	§	

NOTICE OF ASSIGNMENT OF HEARING

NOTICE IS HEREBY GIVEN THAT a Motion for Relief From the Automatic Stay has been filed in the above-styled case. If a hearing on the motion for relief from the automatic stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. If a final decision is not rendered by the Court within sixty (60) days of the date of the request, Movant waives the requirement that a final decision be issued within that period. **Movant consents to the automatic stay (and any related co-debtor stay) remaining in effect until the Court orders otherwise.**

A hearing will be held on the 30th day of April, 2008, at 10:00a.m., in Courtroom 1401, United States Courthouse, 75 Spring Street, Atlanta, GA 30303.

Within three days of the date of this notice, Movant's attorney, or a pro se Movant, shall serve the motion and this notice upon the debtor, trustee, and their attorneys or record, and shall file a certificate of service within three days of service. BLR 9007-2 NDGa.

DATED: April 9, 2008

Prepared by:

/s_____

Richard B. Maner
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MOTION FOR RELIEF FROM STAY

COMES NOW, **Litton Loan Servicing, LLP**, (the “Movant”) and shows the Court as follows:

1.

This is a Motion for relief from the automatic stay pursuant to 11 U.S.C. §362 for all purposes allowed by law and by Movant’s contract, including, but not limited to, the right to foreclose on a certain piece of real property.

2.

The Movant is the holder of a Deed to Secure Debt (“Security Deed”) which describes certain real property located at **141 Brookhill Park Court, Ruralk Hall, NC 27045**. Said real property is security for a promissory note held by Movant. The name of the Borrower, as known to Movant is **Johnnie Mae Smith**.

3.

Movant believes that the Debtor holds or services a loan on this property, and the Debtor’s lien is inferior to Movant’s lien.

4.

The loan held by Movant is delinquent, and Movant seeks to initiate, continue and/or conclude foreclosure action on this property, in accordance with State law and its contract. Movant seeks relief from the automatic stay because it believes Debtor has an interest in the property, and foreclosure thereof would extinguish Debtor’s lien.

5.

The approximate total payoff is **\$99,646.06** as of the filing of this motion, as well as all other charges specified in the loan documents held by Movant and by applicable law. Movant believes there is no equity in said property and because Movant is not being paid, there is cause for relief from the automatic stay.

6.

For the above and foregoing reasons, Movant asserts cause exists sufficient to waive the requirements of Bankruptcy Rule 4001(a)(3), therefore allowing an Order to be effective upon this Honorable Court's signature.

WHEREFORE, the Movant prays for an Order relieving it from the provisions of the bankruptcy stay and authorizing it to proceed with the exercise of its private power under its Note, Security Instrument, and any dispossessory proceedings if necessary all in accordance with and pursuant to appropriate state statutes, for reasonable attorney's fees under 11 USC §506(b).

Respectfully submitted,
RICHARD B. MANER, P.C.

/s_____

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CERTIFICATE OF SERVICE

This is to certify that I have served a copy of Movant's **MOTION FOR RELIEF FROM STAY** and **NOTICE OF ASSIGNMENT OF HEARING** electronically. Those not served electronically have been served by depositing same in the United States Mail in a properly addressed envelope to each with adequate postage thereon as follows:

SouthStar Funding, LLC aka Capital Home Mortgage
400 Northridge Road, Suite 1000
Atlanta, GA 30350-3312

Johnnie Mae Smith
141 Brookhill Park Court
Ruralk Hall, NC 27045

J. Robert Williamson
1500 Candler Building
127 Peachtree Street, NE
Atlanta, GA 30303

Harry W. Pettigrew, Esq.
Chapter 7 Trustee
Pettigrew & Associates, P.C.
P.O. Box 4030
Decatur, GA 30031

Neil C. Gordon, Esq.
Arnall Golden Gregory LLP
171 17th Street, N.W.
Suite 2100
Atlanta, GA 30363-1031

This the 9th day April, 2008.

/s_____

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